

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

Advanced Television Systems  
and Their Impact Upon the  
Existing Television Broadcast  
Service

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) MM Docket No. 87-268  
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**COMMENTS OF BLACKSTAR COMMUNICATIONS INC.**

Blackstar Communications Inc. ("Blackstar") the licensee of four full-service television broadcast stations, one low power television station ("LPTV"), and one television satellite station,<sup>1/</sup> by its attorneys, hereby submits comments in response to the Sixth Further Notice of Proposed Rule Making ("Further Notice")<sup>2/</sup> in the above-captioned proceeding.<sup>3/</sup> Digital Television ("DTV") is an important component of Blackstar's future. Blackstar supports the Commission's efforts to develop a DTV table of allotments/assignments that

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<sup>1/</sup> Blackstar, either directly or through wholly-owned subsidiaries, is the licensee of the following television broadcast stations: KBSP-TV, Salem, OR; KEVN-TV, Rapid City, SD; WBSX(TV), Ann Arbor, Michigan; WBSF(TV), Melbourne, Florida. In addition, Station KEVN-TV operates satellite television station KIVV-TV, Lead, SD; and Blackstar is the licensee of LPTV station W48AV licensed to Detroit, MI.

<sup>2/</sup> Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, FCC 96-317, released August 14, 1996 (Sixth Further Notice of Proposed Rule Making in MM Docket No. 87-268) ["Further Notice"].

<sup>3/</sup> These comments are submitted after the comment deadline of November 22, 1996, pursuant to the Order Extending Time For Filing Reply Comments, DA 96-1929, released Nov. 20, 1996, in this proceeding which stated, "we will accept late-filed comments that are filed within a reasonable period of time. . ." In addition, Blackstar has filed a separate "Motion for Acceptance of Late-Filed Comments" simultaneously with this submission.

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provides full-accommodation for full service and satellite television stations with the goal of providing coverage to all stations sufficient to "replicate" current NTSC service areas.

However, Blackstar does not believe that the goals of full accommodation, replication, and, most especially, "spectrum reclamation," should take precedence over all other public interest considerations. Blackstar opposes the core spectrum proposal in the Further Notice and urges the Commission to be cognizant of the impact of its decisions in this proceeding on Blackstar -- a leading African American-owned commercial television broadcasting group.<sup>4/</sup> In its current form, the proposed DTV table in the Further Notice would have severe and disproportionate impacts on Blackstar, though these impacts may be avoided or ameliorated by the alternatives and policies identified and advocated by Blackstar herein.

**I. SUBSTANTIAL INTERFERENCE TO RECEPTION OF KBSP-TV BY EXISTING VIEWERS DURING THE TRANSITION IS PREDICTED UNDER THE PROPOSED DTV TABLE, BUT COULD BE AVOIDED.**

The Further Notice seeks comment on the "short-spaced" or non-conforming allotments necessary to achieve the "full accommodation" objective.<sup>5/</sup> Specifically, the Further Notice states that the new service replication allotment methodology will minimize the use of short-spacing and its effect on neighboring stations. Nevertheless, under the proposed DTV table, KBSP-TV, Channel 22, Salem, Oregon, is to be assigned Channel 20

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<sup>4/</sup> According to statistics reported by the Department of Commerce, only three percent (3%) of all commercial television broadcasting stations are minority-owned, and only approximately two percent (2%) are owned by African Americans. In light of these statistics, the Commission should carefully scrutinize the impact of its decisions in this proceeding on minority-owned enterprises such as Blackstar.

<sup>5/</sup> Further Notice at ¶ 102.

for DTV during the transition.<sup>6/</sup> While this channel pairing appears to provide adequate DTV service during the transition, with 100 percent replication, the accompanying estimate of interference to KBSP-TV's NTSC service during the transition is a devastating figure -- approximately 10.1 percent of the NTSC population now served (over 140,000 viewers). This is among the most extreme adverse impacts predicted nationwide during the transition under the proposed DTV table -- apparently resulting from a short-spaced DTV allotment in Portland, Oregon.

This adverse impact is avoidable. According to the Engineering Exhibit prepared by Hammett and Edison, Inc., Consulting Engineers, attached as Appendix A hereto, the severe interference to KBSP-TV's NTSC service during the transition would be caused by the assignment of Channel 36 for DTV to KNMT-TV, Channel 24, Portland, Oregon during the transition. In the alternative, if Channels 55, 58, or 59 were assigned to KNMT-TV for DTV, this interference would be prevented without creating short-spacing to any existing or proposed NTSC station or to any proposed DTV channel. Blackstar hereby requests that the Commission consider these alternative DTV channel assignments for KNMT-TV to avoid such an extreme adverse impact on KBSP-TV during the transition.<sup>7/</sup> The notion that Blackstar may in fact not suffer the consequences of this short-spacing during the transition if KNMT-TV does not apply for DTV authority is wholly insufficient to justify this proposal. Nevertheless, Blackstar supports the proposal that if such short-spaced

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<sup>6/</sup> See Further Notice, Appendix B - "Proposed DTV Table of Allotments" ("DTV table").

<sup>7/</sup> Though the magnitude of impacts are potentially less severe, Blackstar requests that the Commission consider alternatives to avoid the potential adverse impacts on its other stations, including WBSX(TV), Channel 31, Ann Arbor, Michigan, and WBSF(TV), Channel 43, Melbourne, Florida. The proposed DTV table predicts new interference to their NTSC service areas during the transition.

allotments are not activated by an eligible broadcaster after the initial application period, they should be deleted before new entrants are permitted to apply for DTV licenses.

## **II. THE PROPOSED "CORE SPECTRUM" APPROACH IS NOT IN THE PUBLIC INTEREST**

The Further Notice proposes to use a "DTV Core Spectrum" approach which would establish a core region of the existing VHF and UHF television broadcast spectrum, between Channels 7 and 51 for permanent DTV operations. Under the proposed DTV table, initial DTV channel assignments have been minimized in spectrum outside of the core. Accordingly, there is a harsher impact on existing stations with NTSC channels within the core during the transition, e.g., Blackstar stations KBSP-TV, Channel 22, Salem, Oregon; WBSX(TV), Channel 31, Ann Arbor, Michigan; and WBSF(TV) Channel 43, Melbourne, Florida -- as this core spectrum is used more intensively, thereby creating greater interference to existing stations during the transition.

In addition, the core spectrum approach would have a adverse impact on Blackstar's remaining stations in three other ways. First, as the Further Notice recognizes, while the vast majority of all DTV allotments are made within the core spectrum, approximately 12 percent of the DTV allotments are paired with channels outside of the core. Stations in this category, such as Blackstar's WBSF(TV), Channel 43, Melbourne, Florida, will face two significant disadvantages vis-a-vis their competitors that receive DTV channels within the core spectrum. The first disadvantage occurs when WBSF(TV) would face significant relocation costs, not shared by the majority of the industry. While Blackstar supports the Commission's proposal to require reimbursement of such costs by entities that acquire reclaimed spectrum at auction, such a remedy would only partially address Blackstar's injury. The second disadvantage occurs when WBSF(TV) would lose its DTV

channel identity at the end of the transition, a significant factor recognized, but unresolved, in the Further Notice.<sup>8/</sup>

Second, NTSC stations currently operating on channels outside of the core spectrum, especially on lower VHF channels, will lose the opportunity to provide continued service to their audiences on channels which they have invested highly in developing valuable channel-related identities, and paid premiums to obtain. Blackstar station KEVN-TV, Channel 7, Rapid City, South Dakota, and its satellite station, KIVV-TV, Channel 5, Lead, South Dakota, are examples of stations in this category. While each is paired with UHF channels for DTV, it is unclear as a technical matter whether DTV operations will be enhanced by UHF propagation characteristics. It is quite conceivable that there will be advantages to VHF propagation for DTV and lower DTV operating expenses.

Finally, the Further Notice indicates that, in general, LPTV operations in or near major TV markets would be affected to a greater degree than operations in other areas.<sup>9/</sup> The Further Notice acknowledges that the core spectrum approach would exacerbate an already harsh impact on existing low power television and translator stations. While Blackstar supports the Commission's proposal to permit displaced LPTV stations to apply for a suitable replacement channel in the same area without being subject to competing applications at such time as there would be a reasonable expectation of displacement, Blackstar urges the Commission to abandon the core spectrum approach as it will only expand the number of stations seeking such relief in a crowded environment.

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<sup>8/</sup> See Further Notice at ¶¶ 78-79.

<sup>9/</sup> Further Notice at ¶ 66.

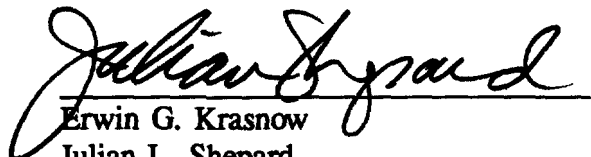
### III. CONCLUSION

Blackstar opposes the proposed core spectrum approach to initial DTV allotments/assignments. While Blackstar supports the Commission's policy goals of full accommodation and replication of existing service in the adoption of a DTV table, Blackstar opposes the proposed DTV table which places a disproportionate burden upon Blackstar's stations. The Commission's primary goal in this proceeding should remain the implementation of a high-quality advanced television system for television broadcasters including a rational and fair allocation/assignment of channels to existing stations for the transition to DTV. Blackstar encourages the Commission to revise its proposed DTV table and to adopt policies and channel alternatives that would lessen the adverse impacts upon Blackstar's stations.

Respectfully submitted,

**BLACKSTAR COMMUNICATIONS, INC.**

By:



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Its Attorneys

Dated: November 29, 1996

## **APPENDIX A**

**Station KBSP-TV  
NTSC Channel 22  
Salem, Oregon**

**Engineering Exhibit  
in Support of Comments  
to Sixth FNPRM to  
MM Docket 87-268**

**DTV Table of Allotments**

November 15, 1996

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**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO



## **Station KBSP-TV • NTSC Channel 22 • Salem, Oregon**

### **Statement of Dane E. Ericksen, Consulting Engineer**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Blackstar Communications, Inc., licensee of Station KBSP-TV, NTSC Channel 22, Salem, Oregon, to prepare this engineering statement in support of comments to the Sixth Further Notice of Proposed Rule Making to Mass Media Docket No. 87-268, concerning the Digital Television Table of Allotments.

### **Proposed Allotment of DTV Channel 36 at Portland Would Cause Un-necessary Harmful Interference to KBSP-TV**

In the Sixth Further Notice of Proposed Rule Making to MM Docket 87-268 ("Sixth FNPRM"), the Commission tentatively assigned Digital Television ("DTV") Channel 36 to TV Station KNMT, NTSC Channel 24, Portland, Oregon. However, because DTV Channel 36 is a "taboo" channel to NTSC Channel 22, this tentative allotment would cause interference to the KBSP-TV signal. As shown by the attached Figure 1, the KNMT transmitter site, and therefore the presumed DTV Channel 36 site, is 1) within the predicted KBSP-TV Grade B contour, 2) within the terrain-sensitive 64 dBu or better KBSP-TV coverage area, and 3) is in a heavily populated area. Therefore, operations of the DTV Channel 36 station at the KNMT NTSC transmitter site would create an area around the transmitter site where the DTV signal would exceed the KBSP-TV signal by 33.4 dB or more (*i.e.*, where a desired-to-undesired ratio of -33.4 dB or worse would exist). It is clear that this area would contain a substantial population that would receive new interference to the reception of NTSC Channel 22.

Obviously, KBSP-TV is not at liberty to change its NTSC channel. Therefore, the only alternative is to change the DTV channel tentatively assigned to KNMT. If an alternative DTV channel could be found that would not create short-spacings to any existing NTSC station, or to any tentatively selected DTV channel, then such a channel substitution could be accomplished with no "daisy-chain" affect on tentative DTV allotments in the Portland, Oregon, market, or in adjacent markets.

### **DTV Channels 55, 58, or 59 Could Be Substituted for DTV Channel 36 at Portland without Creating Short-Spacings to any Existing or Proposed NTSC Station or to any Proposed DTV Channel**

Allocation studies performed by me and based on the NTSC-to-DTV and DTV-to-DTV spacings proposed in the Sixth FNPRM show that DTV Channels 55, 58, or 59 could be substituted for the tentatively assigned DTV Channel 36, without creating short-spacings to any NTSC TV station or to any of the other tentative DTV allotments proposed in the 6th FNPRM. Allocation conditions for DTV Channels 55, 58, and 59 are provided in the attached Figures 2, 3, and 4, respectively.



## Station KBSP-TV • NTSC Channel 22 • Salem, Oregon

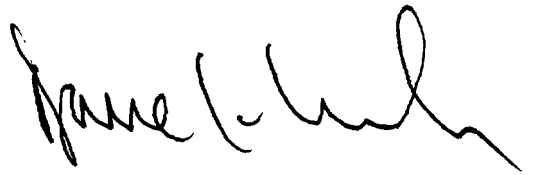
It should be noted that all three of the alternative DTV channels are within the Channel 7–59 “core spectrum” and therefore would not result in KNMT’s DTV channel being changed from a desirable core channel to a non-core channel.

Because substitution of any of the above-identified alternative DTV channels for DTV Channel 36 would eliminate the harmful interference to the KBSP-TV NTSC signal that would be caused should DTV Channel 36 commence operation in the Portland area, while not creating conflicts with any other NTSC channel or proposed DTV channel, one of these three alternative DTV channels should be substituted for the non-optimum and interference-causing DTV Channel 36 now tentatively proposed for the KNMT DTV channel. For administrative certainty, DTV Channel 55 is suggested, because it would be furthest from the core channel band edge.

### List of Figures

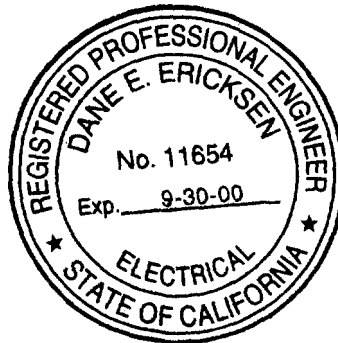
In carrying out these engineering studies, the following attached figures were prepared under my direct supervision:

1. Map showing FCC and terrain-sensitive KBSP-TV NTSC coverage, and location of the proposed DTV Channel 36 allotment
2. DTV Channel 55 allocation conditions
3. DTV Channel 58 allocation conditions
4. DTV Channel 59 allocation conditions.



Dane E. Ericksen, P.E.

November 15, 1996



## Affidavit

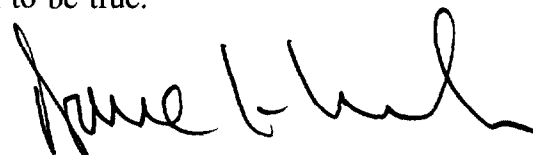
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County of Sonoma

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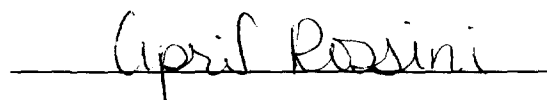
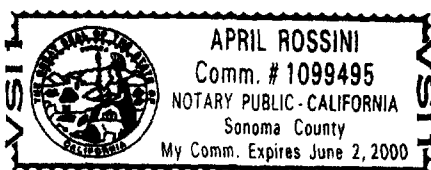
Dane E. Ericksen, being first duly sworn upon oath, deposes and says:

1. That he is a qualified Registered Professional Engineer, holds California Registration No. E-11654 which expires on September 30, 2000, and is employed by the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,
2. That he graduated from California State University, Chico, in 1970, with a Bachelor of Science Degree in Electrical Engineering, was an employee of the Field Operations Bureau of the Federal Communications Commission from 1970 to 1982, with specialization in the areas of FM and television broadcast stations and cable television systems, and has been associated with the firm of Hammett & Edison, Inc., since October 1982,
3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Blackstar Communications, Inc., licensee of Station KBSP-TV, NTSC Channel 22, Salem, Oregon, to prepare this engineering statement in support of comments to the Sixth Further Notice of Proposed Rule Making to Mass Media Docket No. 87-268, concerning the Digital Television Table of Allotments,
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief and, as to such statements, he believes them to be true.



Dane E. Ericksen, P.E.

Subscribed and sworn to before me this 15th day of November, 1996

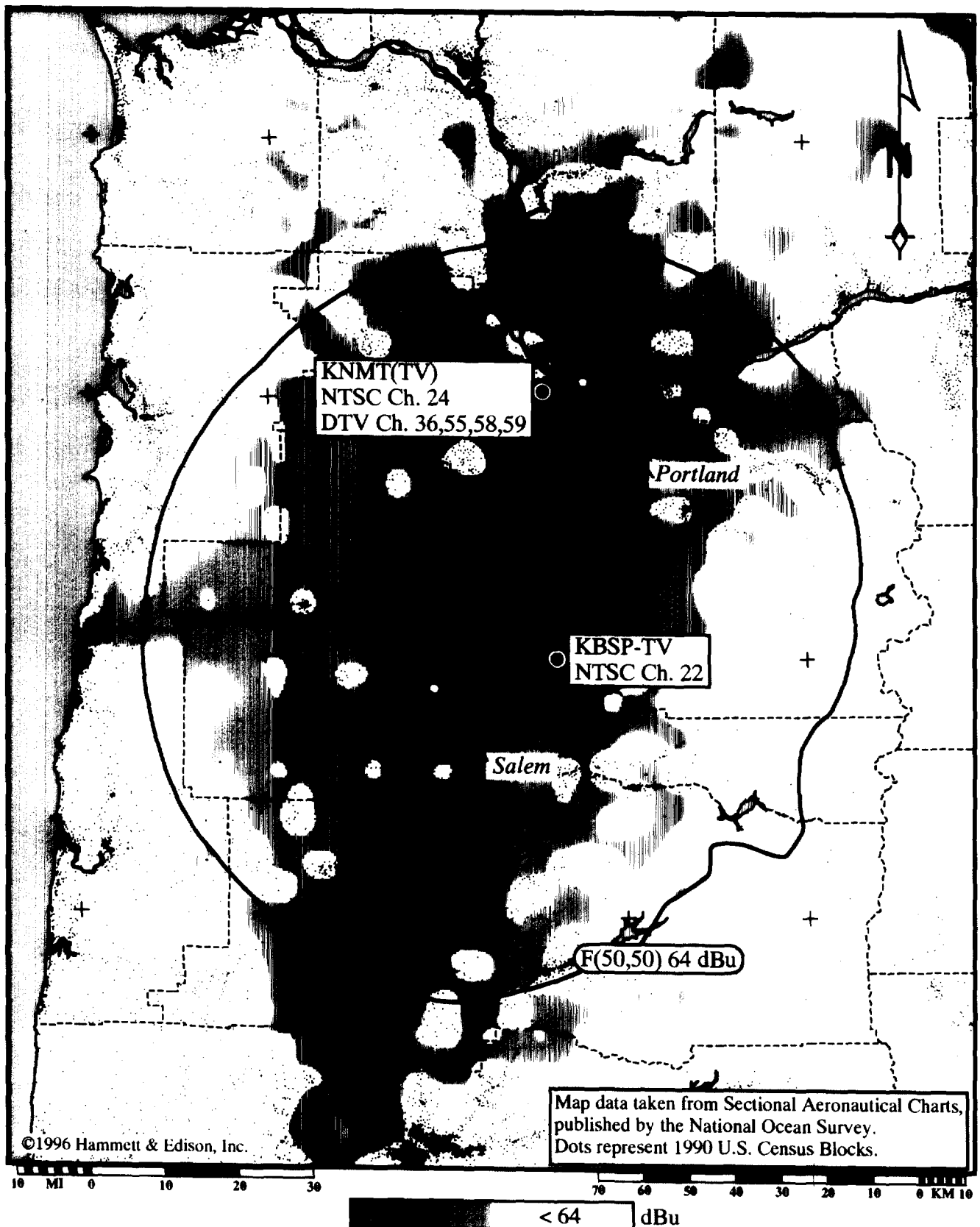


**HAMMETT & EDISON, INC.**  
CONSULTING ENGINEERS  
SAN FRANCISCO

961113  
Affidavit

Station KBSP-TV • NTSC Channel 22 • Salem

FCC and Terrain-Limited Coverages  
1,700 kW ERP (DA) at 363 m HAAT



**Station KBSP-TV • NTSC Channel 22 • Salem, Oregon**

**DTV Channel 55 Allocation Conditions  
(TV Station KNMT, NTSC Channel 24, Portland, Oregon, Site)  
(45° 30' 58" N, 122° 43' 59" W)**

<u>Channel</u>	<u>Relationship</u>	<u>Call Sign</u>	<u>Status</u>	<u>Location</u>	<u>Required Distance</u>	<u>Actual Distance</u>
40	N-15		App.	Portland, OR	<24.1 or >96.6 km	16.2 km
41	N-14		Alloc.	Coos Bay, OR	<24.1 or >96.6 km	278.6 km
47	N-8	KYVE	Lic.	Yakima, WA	<24.1 or >96.6 km	206.0 km
48	N-7		Alloc.	L. Cowichan, BC	<24.1 or >96.6 km	382.1 km
50	N-5		Alloc.	Nanaimo, BC	<24.1 or >96.6 km	415.9 km
51	N-4	KBEH	Lic.	Bellevue, WA	<24.1 or >96.6 km	228.5 km
52	N-3		Alloc.	Vancouver, BC	<24.1 or >96.6 km	418.0 km
53	N-2		Alloc.	Enderby, BC	<24.1 or >96.6 km	619.8 km
54	N-1		Alloc.	Duncan, BC	<9.7 or >88.5 km	370.6 km
55	N		Alloc.	Squamish, BC	>244.6 km	466.2 km
56	N+1	KWDK	Lic.	Tacoma, WA	<9.7 or >88.5 km	225.9 km
57	N+2	KSTV-TV	Lic.	Ventura, CA	<24.1 or >96.6 km	1,282 km
58	N+3		App.	Vancouver, BC	<24.1 or >96.6 km	403.1 km
59	N+4		Alloc.	Cranbrook, BC	<24.1 or >96.6 km	684.6 km
60	N+5		Alloc.	Nanaimo, BC	<24.1 or >96.6 km	415.9 km
62	N+7		App.	Seattle, WA	<24.1 or >96.6 km	235.7 km
63	N+8		Alloc.	Vancouver, BC	<24.1 or >96.6 km	418.0 km
69	N+14		Alloc.	Nanaimo, BC	<24.1 or >96.6 km	415.9 km
70	N+15		Alloc.	El Sauzal, BN	<24.1 or >96.6 km	1,601 km
54D	N-1	KSPS-TV	DTV	Spokane, WA	<32.2 or >88.5 km	474.9
55D	N	KSKN	DTV	Spokane, WA	>223.7 km	475.1 km
56D	N+1	KCWT	DTV	Wenatchee, WA	<32.2 or >88.5 km	278.1 km

**Station KBSP-TV • NTSC Channel 22 • Salem, Oregon**

**DTV Channel 58 Allocation Conditions  
(TV Station KNMT, NTSC Channel 24, Portland, Oregon, Site)  
(45° 30' 58" N, 122° 43' 59" W)**

<u>Channel</u>	<u>Relationship</u>	<u>Call Sign</u>	<u>Status</u>	<u>Location</u>	<u>Required Distance</u>	<u>Actual Distance</u>
43	N-15		Alloc.	Oliver, BC	<24.1 or >96.6 km	473.4 km
44	N-14		Alloc.	Parksville, BC	<24.1 or >96.6 km	439.1 km
50	N-8		Alloc.	Nanaimo, BC	<24.1 or >96.6 km	415.9 km
51	N-7	KBEH	CP	Bellevue, WA	<24.1 or >96.6 km	228.5 km
53	N-5		Alloc.	Enderby, BC	<24.1 or >96.6 km	619.8 km
54	N-4		Alloc.	Duncan, BC	<24.1 or >96.6 km	370.6 km
55	N-3		Alloc.	Squamish, BC	<24.1 or >96.6 km	466.2 km
56	N-2	KWDK	CP	Tacoma, WA	<24.1 or >96.6 km	225.9 km
57	N-1	KSTV-TV	Lic.	Ventura, CA	<9.7 or >88.5 km	1,282 km
58	N		App.	Vancouver, BC	>244.6 km	403.1 km
59	N+1		Alloc.	Cranbrook, BC	<9.7 or >88.5 km	684.6 km
60	N+2		Alloc.	Nanaimo, BC	<24.1 or >96.6 km	415.9 km
61	N+3	KKAG	CP	Porterville, CA	<24.1 or >96.6 km	1,076 km
62	N+4		App.	Seattle, WA	<24.1 or >96.6 km	235.7km
63	N+5		Alloc.	Vancouver, BC	<24.1 or >96.6 km	418.0 km
65	N+7	KLXV-TV	Lic.	San Jose, CA	<24.1 or >96.6 km	936.9 km
66	N+8		Alloc.	Victoria, BC	<24.1 or >96.6 km	326.0 km
72	N+14		Alloc.	V. Hermoso, TA	<24.1 or >96.6 km	3,114 km
73	N+15		Alloc.	Tecate, BN	<24.1 or >96.6 km	1,530 km
57D	N-1	KAYU-TV	DTV	Spokane, WA	<32.2 or >88.5 km	475.2
58D	N		DTV		>223.7 km	>300 km
59D	N+1		DTV		<32.2 or >88.5 km	>300 km

# Station KBSP-TV • NTSC Channel 22 • Salem, Oregon

## DTV Channel 59 Allocation Conditions (TV Station KNMT, NTSC Channel 24, Portland, Oregon, Site) (45° 30' 58" N, 122° 43' 59" W)

Channel	Relationship	Call Sign	Status	Location	Required Distance	Actual Distance
44	N-15		Alloc.	Parksville, BC	<24.1 or >96.6 km	439.1 km
45	N-14	KHCV	CP	Seattle, WA	<24.1 or >96.6 km	234.2 km
51	N-8	KBEH	CP	Bellevue, WA	<24.1 or >96.6 km	228.5 km
52	N-7		Alloc.	Vancouver, BC	<24.1 or >96.6 km	418.0 km
54	N-5		Alloc.	Duncan, BC	<24.1 or >96.6 km	370.6 km
55	N-4		Alloc.	Squamish, BC	<24.1 or >96.6 km	466.2 km
56	N-3	KWDK	CP	Tacoma, WA	<24.1 or >96.6 km	225.9 km
57	N-2	KSTV-TV	CP	Ventura, CA	<24.1 or >96.6 km	1,282 km
58	N-1		App.	Vancouver, BC	<9.7 or >88.5 km	403.1 km
59	N		Alloc.	Cranbrook, BC	>244.6 km	684.6 km
60	N+1		Alloc.	Nanaimo, BC	<9.7 or >88.5 km	415.9 km
61	N+2	KKAG	CP	Porterville, CA	<24.1 or >96.6 km	1,076 km
62	N+3		App.	Seattle, WA	<24.1 or >96.6 km	235.7 km
63	N+4		Alloc.	Vancouver, BC	<24.1 or >96.6 km	418.0 km
64	N+5		Alloc.	Anacortes, WA	<24.1 or >96.6 km	332.0 km
66	N+7		Alloc.	Victoria, BC	<24.1 or >96.6 km	326.0 km
67	N+8		App.	Olympia, WA	<24.1 or >96.6 km	170.4 km
73	N+14		Alloc.	Tecate, BN	<24.1 or >96.6 km	1,530 km
74	N+15		Alloc.		<24.1 or >96.6 km	>1,600 km
58D	N-1		DTV		<32.2 or >88.5 km	>300 km
59D	N		DTV		>223.7 km	>300 km
60D	N+1		DTV		<32.2 or >88.5 km	>300 km

